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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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Peter A. Balkus

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EXAMINER

VAUGHN, GREGORY J

ART UNIT

PAPER NUMBER

2178

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
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3 MONTHS

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

Office Action Summary	Application No. 09/539,749	Applicant(s) BALKUS ET AL.	
	Examiner Gregory J. Vaughn	Art Unit 2178	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 October 2006.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6, 9, 11, 14 and 25-30 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6, 9, 11, 14 and 25-30 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date <u>See Continuation Sheet</u> . | 6) <input type="checkbox"/> Other: _____ |

Continuation of Attachment(s) 3). Information Disclosure Statement(s) (PTO/SB/08), Paper No(s)/Mail Date :6/23/04, 7/26/04, 1/26/06 & 2/2/06.

DETAILED ACTION

Application Background

1. This action is responsive to the Request for Continued Examination, filed on 10/19/2006, and the Petition for Revival of Application for Patent, also filed on 10/19/2006.
2. The abandonment filed on 8/23/2006 is withdrawn and prosecution of the case is herewith reopened.
3. Applicant has amended claims 6 and 27. Claims 7, 8, 10, 13 and 15-24 were previously canceled.
4. Claims 1-6, 9, 11, 12, 14 and 25-30 are pending in the case, claims 1, 6, 9, 12 and 25 are independent claims.
5. A request for continued examination filed under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after a final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office Action (dated 2/10/2006) has been withdrawn pursuant to 37 CFR 1.114.
6. Acknowledgement is made to the applicant's submission of four Information Disclosure Statements, filed, 6/23/2004, 7/26/2004, 1/26/2006 and 2/2/2006.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

"(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made."

8. Claims 1-6, 9, 12, 25 and 27 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Escobar et al. US Patent 5,659,793, filed 12/22/1994, patented 8/19/1997, (hereinafter "*Escobar*") in view of Wittenburg et al. US Patent 6,515,656, filed 4/30/1999, patented 2/4/2003, (hereinafter "*Wittenburg*").
9. **Regarding independent claim 1**, the applicant defines temporal and nontemporal media as "*temporal media, such as video, audio and computer-generated animation, and nontemporal media, such as still images, text, hypertext documents etc*" (page 4, lines 12-14). Escobar discloses in Figure 1, a graphical user interface for authoring presentations, with a temporal media timeline (shown as "*Video Time Line*" at reference signs 140 and 141), nontemporal media timelines (shown as "*Program Object Time Line*" at reference sign 160). Escobar discloses a specification for the multimedia presentation. Escobar recites: "*To develop a program object, first, a specification (400) for the object is prepared*" (column 8, lines 56-57).

Escobar discloses a viewer having access to and using the timeline and the specification, to displays the media presentation. Escobar recites "*Button 174 permits part or all of an application under development to be run and displayed at a location specified, typically in the Display/Edit Window 100, so that the impact of the decisions made in editing of a portion or all of an application may be viewed under run time conditions*" (column 6, lines 41-45). Escobar further recites: "*Button 173 invokes application creation or editing functions which permit objects to be assembled into applications with relative timing specified by their placement along the timeline tracks*" (column 6, lines 37-41).

Escobar discloses an encoder to output a media presentation from the timeline and the specification. Escobar recites: "*the objects can be combined and only the combined integrated final application can be sent as a live program*" (column 20, lines 31-33).

Escobar discloses a graphical user interface for authoring presentations with temporal and nontemporal media and their timelines, and a specification for the multimedia presentation. Escobar fails to disclose a specification that defines the portion of the display area in which of the first and second media tracks will be displayed (i.e. the spatial relationship). Wittenburg teaches controlling the spatial relationships of the display of the media objects. Wittenburg recites: "*The techniques described are capable of using a number of different spatial layout techniques and transitions for rendering individual multimedia data items to be presented in a particular presentation area*"

(column 14, lines 39-42). Wittenburg further illustrates several presentations with spatially related media objects in Figures 6-10.

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made, to combine the multimedia authoring tool of Escobar with the use of spatial relationships, as taught by Wittenburg, in order to create *"a technique for viewing and selecting information by incorporating imagery and other media, as well as text, that uses a hierarchical organization, and deploys controls for speed and direction of information presented"* (Wittenburg, column 2, lines 19-23).

10. Regarding dependent claim 2, Escobar discloses multiple servers managing multimedia and data files (together and separately) in Figure 13. Escobar further recites *"The IDL is stored as an application at 5565 and the process returns to the main routine"* (column 1, lines 44-45).

11. Regarding dependent claim 3, Escobar recites *"When an IDL is executed, the DET takes the items on the list in order and requests the objects specified by the list item by sending a request over the network to the server"* (column 20, lines 16-19).

12. Regarding dependent claim 4, Escobar recites *"the server controls a retrieval of objects and the assembly of those objects into a program which is then delivered to the end user for display at 1130"* (column 20, lines 38-41).

13. Regarding dependent claim 5, Escobar discloses transferring and previewing (see above). Escobar discloses previewing prior to transferring in *"The module is then tested (425) and reviewed by the developer or customer for acceptance (430). Once the object is moved to production in the authoring tool (435), installed in the correct bin (440) and an appropriate icon attached (445), it is ready for use as desired (450) by the non-programmer"* (column 8, lines 62-67).

14. Regarding independent claim 6, Escobar discloses timelines for the temporal and nontemporal media, as described above. Escobar discloses a table of contents track. Escobar recites: *"At least one interactive object track 160 should be included"* (column 6, lines 26-28). Escobar discloses a table of contents track that includes character elements associated with a point in time on the table of contents track. Escobar recites: *"One timeline is dedicated to interactive objects. Control of playback or execution of the objects is achieved using edit decision lists (EDL) and interactive decision lists (IDL) which capture the editing decisions made by a user of the tool. The interactive decision list is used to activate retrieval of objects from assets stored, to initiate playback of the objects retrieved and to initiate loading and execution of program objects all in a sequence corresponding to that represented on the timelines"* (column 4, lines 17-25).

Escobar and Wittenburg disclose the control of display spatial relationships of media objects, and a display for displaying the media objects based upon the timelines and the spatial relationship, as described above.

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Escobar discloses the user selection of a displayed character in the table of contents track that initiates the presentation playback to the point in time related to the selected element. Escobar recites: *"Playback or running of the interactive multimedia application can be controlled by executing an IDL at either an end user's location or at a server's location"* (column 4, lines 27-29).

15. Regarding independent claim 9, the claim contains substantially the same subject matter as claim 1, and remains rejected using the same rationale.

16. Regarding independent claim 12, the claim contains substantially the same subject matter as claim 1, and remains rejected using the same rationale.

17. Regarding independent claim 25, the claim is directed toward a computer program product for the system of claim 1, and remains rejected using the same rationale.

18. Regarding dependent claim 27, the claim is rejected for fully incorporating the deficiencies of the base claim.

19. Claims 11, 14, 26 and 28-30 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Escobar in view of Wittenburg, and in further view of Gill et al. US Patent 6,081,262, filed 12/4/1996, patented 6/27/2000, (hereinafter "*Gill*").

20. Regarding amended dependent claim 11, Escobar and Wittenburg disclose a multimedia authoring system using timelines of temporal and nontemporal

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media. Escobar and Wittenburg fail to disclose the use of a time bar to manipulate the media time lines. Gill discloses the use of a time bar in Figure 2, at reference sign PL.

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to combine the multimedia authoring system of Escobar and Bergman with the controllable time bar of Gill in order "*to combine media objects of multiple diverse types into an integrated multi-media presentation*" (Gill, Column 1, lines 8-10).

21. Regarding dependent claims 14 and 26, the claims contain substantially the same subject matter as claim 11, and remain rejected using the same rationale.

22. Regarding dependent claim 28, Escobar and Wittenburg disclose a multimedia authoring system using timelines and spatial relationships of temporal and nontemporal media. Escobar and Wittenburg fail to disclose the display area divided into frames. Gill teaches the use of display frames. Gill Discloses in Figure 2, a text frame (shown at reference sign TB) and a movie frame (shown at reference sign MB).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made to combine the multimedia authoring system of Escobar and Bergman with the display frames of Gill in order "*to combine media objects of multiple diverse types into an integrated multi-media presentation*" (Gill, Column 1, lines 8-10).

23. Regarding dependent claims 29 and 30, Escobar, Wittenburg and Gill disclose a multimedia authoring system using timelines and spatial relationships of temporal and nontemporal media. Escobar and Gill fail to disclose the multimedia presentation defined by a markup language document (claim 29) and where the markup language document contains additional nontemporal media (claim 30). Wittenburg discloses the use of markup language documents with nontemporal media. Wittenburg recites: *"user interface components may include, for example, JAVA Script code and data, and dynamic HTML files"* (column 4, lines 36-38).

Therefore, it would have been obvious, to one of ordinary skill, at the time the invention was made, to represent the multimedia presentation of Escobar and Gill as a markup language document with additional content, as taught by Wittenburg, in order to create *"a technique for viewing and selecting information by incorporating imagery and other media, as well as text, that uses a hierarchical organization, and deploys controls for speed and direction of information presented"* (Wittenburg, column 2, lines 19-23).

Response to Arguments

24. Applicant's arguments filed 10/19/2006 have been fully considered but they are not persuasive.

25. **Regarding independent claim 1**, applicant argues that: "*Wittenberg merely discloses a number of possible designs of a combination of user controls, menus and presentation areas. These designs are not a "layout specification" of the claimed invention that specifically relates tracks in a multimedia presentation being edited to defined display areas within a display*" (page 8, last paragraph of the reply filed 10/19/2006). Applicant is directed to the rejection of claim 1, as restated above. Escobar discloses the use of a specification. Wittenburg teaches the use of the specification to define spatial relationships between multimedia objects on a display. Wittenburg recites: "*The techniques described are capable of using a number of different spatial layout techniques and transitions for rendering individual multimedia data items to be presented in a particular presentation area*" (column 14, lines 39-42). Wittenburg shows in Figure 6 at reference sign 64, a plurality of multimedia objects with a spatial relationship.


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Conclusion

26. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory J. Vaughn whose telephone number is (571) 272-4131. The examiner can normally be reached Monday to Friday from 8:00 am to 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Stephen S. Hong can be reached at (571) 272-4124. The fax phone number for the organization where this application or proceeding is assigned is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Gregory J. Vaughn
Patent Examiner
March 2, 2007